

Bradley T. Hunsicker (Wyoming Bar No. 7-4579)
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ATTORNEYS FOR CREDITOR
MORIAH POWDER RIVER, LLC

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING**

In re:)	
)	Case No. 19-20699
MORIAH POWDER RIVER, LLC)	
)	Chapter 11
)	
)	
Debtor in Possession.)	

NOTICE OF BANKRUPTCY FILING AND AUTOMATIC STAY

On October 31, 2019, **MORIAH POWDER RIVER, LLC** (the “**Debtor**”) filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Wyoming, Case No. 19-20699.

Pursuant to 11 U.S.C. § 362(a), all creditors of the Debtor are stayed from:

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the Debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the Debtor’s bankruptcy case;

(2) the enforcement, against the Debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title;

(3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;

(4) any act to create, perfect, or enforce any lien against property of the estate;

(5) any act to create, perfect, or enforce against property of the Debtor any lien to the extent that such lien secures a claim that arose before the commencement of the case under this title;

(6) any act to collect, assess, or recover a claim against the Debtor that arose before the commencement of the case under this title; and

(7) the setoff of any debt owing to the Debtor that arose before the commencement of the case under this title against any claim against the Debtor.

Any action taken by an entity against the Debtor in violation of 11 U.S.C. § 362(a) will result in the Debtor moving for an order from the Bankruptcy Court holding such entity in civil contempt and seeking appropriate damages. *See Jepsen v. Taylor (In re Taylor)*, Nos. 15-31208 (AMN), 245, 247, 2019 Bankr. LEXIS 2828, at *10 (Bankr. D. Conn. Sep. 10, 2019) (“An award of damages to a non-individual entity resulting from a stay violation under § 105(a) is within the discretion of the bankruptcy court.”); *Bethpage Fed. Credit Union v. Town of Huntington (In re Joe’s Friendly Serv. & Son, Inc.)*, Nos. 8-14-70001-reg, 8-14-70002-reg, 8-16-8035-reg, 2019 Bankr. LEXIS 880, at *31 (Bankr. E.D.N.Y. Mar. 21, 2019) (“[W]here violation of the automatic stay injures corporate or other juridical persons, damages are awarded under the Court’s general contempt power...or under 11 U.S.C. § 105(a).”); *Magee v. S. Fin. Sys. (In re Magee)*, Nos. 18-50587-KMS, 18-06026-KMS, 2019 Bankr. LEXIS 1060, at *13 (Bankr. S.D. Miss. Apr. 4, 2019) (“Any entity that willfully violates the automatic stay is subject to the bankruptcy court’s civil contempt power [under § 105(a)].”); *Smith v. Wilburn (In re Delta Invs. & Dev.)*, Nos. 12-01160-NPO, 17-00067-NPO, 2019 Bankr. LEXIS 58, at *43 n.19 (Bankr. S.D. Miss. Jan. 8, 2019) (“Because the violation of the automatic stay is viewed as tantamount to the violation of a court order, a bankruptcy court may address a violation of the stay by exercising its civil contempt powers under 11 U.S.C. § 105(a).”); *Trevino v. Select Portfolio Servicing, Inc.*, 599 B.R. 526, 545 (Bankr. S.D. Tex. 2019) (“The Court is well within its authority to determine whether Defendants’ actions were in violation of the automatic stay, and if so, may exercise its equitable powers under § 105(a) to enforce § 362(a).”).

DATED this 31st day of October, 2019.

**MARKUS WILLIAMS YOUNG &
HUNSICKER LLC**

By: /s/ Bradley T. Hunsicker

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